



ATTORNEY GENERAL OF TEXAS  
GREG ABBOTT

March 25, 2011

Ms. Janet S. Bubert  
Bracket & Ellis  
100 Main Street  
Fort Worth, Texas 76102-3090

OR2011-04126

Dear Ms. Bubert:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 412157.

The Hurst-Euless-Bedford Independent School District (the "district"), which you represent, received a request for "vehicles that are assigned to all [district] [m]aintenance employees that have a GPS monitoring device installed, the VIN number and the number the [district] assigned to those vehicles." You claim the submitted information is excepted from disclosure under sections 552.101, 552.130, and 552.139 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Initially, we note you have marked information in the submitted information that is not responsive to the instant request. The district need not release non-responsive information in response to this request, and this ruling will not address the public availability of that information.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Gov't Code § 552.101. Section 552.101 encompasses information protected by other statutes. The district raises section 552.101 in conjunction with section 2059.055 of the Government Code. You also state that the responsive information is confidential under section 552.139(a) of the Government Code. We note that section 552.139 encompasses restricted information made

confidential by section 2059.055. *Id.* § 552.139(a). Thus, we will address your arguments under these provisions together. Section 552.139 provides in pertinent part:

(a) Information is excepted from [required public disclosure] if it is information that relates to computer network security, to restricted information under Section 2059.055 [of the Government Code], or to the design, operation, or defense of a computer network.

*Id.* Section 2059.055 of the Government Code provides in pertinent part:

(b) Network security information is confidential under this section if the information is:

(1) related to passwords, personal identification numbers, access codes, encryption, or other components of the security system of a state agency;

(2) collected, assembled, or maintained by or for a governmental entity to prevent, detect, or investigate criminal activity; or

(3) related to an assessment, made by or for a governmental entity or maintained by a governmental entity, of the vulnerability of a network to criminal activity.

*Id.* § 2059.055(b). You argue the employee identification numbers and vehicles equipped with GPS devices relate to district vehicle security measures and employee monitoring. We note section 2059.055 only applies to network security information. Chapter 2059 is entitled "Texas Computer Network Security System," and section 2059.001(3) of the Government Code defines "network security" as "the protection of computer systems and technology assets from unauthorized external intervention or improper use." *See id.* § 2059.001(3). Upon review, we find you have failed to explain how the vehicle identification numbers and district identification numbers of vehicles equipped with GPS devices consist of network security information as defined above. Thus, we find the responsive information does not constitute confidential network security information as described in section 2059.055. Furthermore, you have not demonstrated how the information at issue relates to computer network security or the design, operation, or defense of the district's computer network as contemplated in section 552.139(a). Accordingly, the district may not withhold any of the responsive information under section 552.139 or section 552.101 in conjunction with section 2059.055 of the Government Code.

Section 552.130 of the Government Code provides that information relating to a motor vehicle title or registration issued by a Texas agency is excepted from public release. *Id.* § 552.130(a)(2). Accordingly, the district must withhold the vehicle identification numbers

we have marked under section 552.130 of the Government Code. However, none of the remaining information consists of Texas motor vehicle record information, and the district may not withhold it on that basis. As you raise no other arguments against disclosure, the remaining responsive information must be released.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at [http://www.oag.state.tx.us/open/index\\_orl.php](http://www.oag.state.tx.us/open/index_orl.php), or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Paige Lay  
Assistant Attorney General  
Open Records Division

PL/eeg

Ref: ID# 412157

Enc. Submitted documents

cc: Requestor  
(w/o enclosures)